



Department of Development Services
Planning Division
Meeting Minutes of the
Historic Preservation Commission &
Historic Properties Commission
(Approved)

**REGULAR MEETING OF THE HISTORIC PRESERVATION COMMISSION &
HISTORIC PROPERTIES COMMISSION
WEDNESDAY, JUNE 20, 2012**

Commissioners Present

Michael O'Connell, Chairman
Greg Secord
Alan Ambrose
Lynn Ferrari
Raphael L. Podolsky
Catherine Connor, Not seated

Staff Present

Roger J. O'Brien
Kim Holden
Ken Schwartz
Don Chapman
Jillian Hockenberry

Commissioners Absent

Jonathan Clark, Alternate

Chairman O'Connell called the meeting to order. There was a quorum.

I. Historic Permit Review

- a. 151-153 Ward Street-Historic review of the proposed demolition of a building located in a cemetery. Applicant & Owner-The Congregation Beth Israel, Agent-Eric Lessne (Tabled from May 15, 2012)

Chief Staff Planner Kim Holden indicated that the applicant did not provide the documentation requested by the Commission to prove no prudent and feasible alternative to demolition of the building.

Ms. Holden also discussed three letters of support to help the applicant find an alternative to demolition that were entered into the record.

Planning Director Roger O'Brien entered the room.

Attorney Scott Lewis, representing the applicant, stated that he thought the application was deemed approved as there was no action taken by the Commission in 45 days. Commissioner Podolsky clarified for Mr. Lewis that the application was determined to be incomplete at the last meeting therefore the application was not deemed approved.

Mr. Lewis discussed how they met with the Hartford Preservation Alliance as recommended by the Commission however there were no deals made.

Commissioner Podolsky discussed the possibility of other options based on the content of the letters submitted into the record. Mr. Lewis discussed how he disagreed with the letter from CIL determining the renovation of the building to be feasible.

Mr. O'Brien read an email from the Frog Hollow NRZ into the record. It stated that they were opposing the demolition of the building.

Mr. O'Brien stated that the Commission should determine if the application has effectively met their requirements for demolition proposals.

There was a further discussion amongst the Commission and Mr. Lewis regarding the deed restrictions on the property. It was confirmed that Mr. Lewis had not submitted the deed restriction into the record nor had he asked the City of Hartford to lift the deed restriction.

Commissioner Ferrari stated that there were definite alternatives to demolition and that the burden of proof had not been fulfilled.

On a motion made by Commission Podolsky, and seconded by Commissioner Secord the application was denied without prejudice whether it was filed appropriately or not. The Commission noted that the applicant had the ability to file a new application.

Commissioner Podolsky stated that he would draft a summary of reasons for denial to attach to the minutes of the meeting. (See attached adopted statement of reasons for denial)

Mr. O'Brien stated that the applicant could apply to the Board of Preservation Appeals within 10 to 15 days of the letter of decision.

- b. 18 Liberty Street-Historic review for the new construction of a single family dwelling.
Applicant & Owner- Hartford Habitat for Humanity
- c. 20 Liberty Street-Historic review for the new construction of a single family dwelling.
Applicant & Owner- Hartford Habitat for Humanity

Principal Planner Don Chapman presented a summary of the applications. He stated that the Planning Division recommended approval of the application with conditions.

Kevin Morrison of Hartford Habitat for Humanity stated that he was in agreement with all of the recommended conditions of approval.

There was a discussion amongst the Commission regarding various architectural aspects of the proposal.

On a motion made by Commission Ferrari, and seconded by Commissioner Podolsky, the following resolution was approved:

Whereas: The Hartford Historic Properties Commission has received an application for Historic Review for development of two single family Homes to be constructed on land located in the Clay Hill National Historic District as depicted in plan entitled: That the Planning and Zoning Commission hereby approves the application for site plan review as shown in the plans entitled “New Residence” 18 & 20 Liberty Street, Hartford, Connecticut, February 15, 2012 Habitat for Humanity, Hartford Area, prepared by: RPM Architecture, 63 Foxbrook Road, East Hartland, Connecticut 860 653-4185 P.O. Box” scale of 1”=20’ and dated February 15, 2012.

Whereas: The subject property is located in the Clay Hill National Historic District ; and

Whereas: The Historic Properties Commission has reviewed the application for a new single family homes at 18 & 20 Liberty Street, and

Whereas: The proposed single family home uses elements that support and preserve local historic character and is consistent with the intent of the Clay Hill Historic District; and; now be it

RESOLVED: That the Planning and Zoning Commission hereby approves the application for historic review as shown in the plans entitled “New Residence” 20 Liberty Street, Hartford, Connecticut, February 15, 2012 Habitat for Humanity, Hartford Area, prepared by: RPM Architecture, 63 Foxbrook Road, East Hartland, Connecticut 860 653-4185 P.O. Box” scale of 1”=20’ and dated February 15, 2012 with the following conditions:

1. All windows shall be changed to 1/1 double hung windows with a 5 inch trim.
2. The applicant shall install a 1/1 double hung window with 5 inch trim in the front gable face.
3. The applicant shall use horizontal lattice to screen underneath the front porch.
4. There shall be scalloped shingles added to the main gable.
5. The applicant shall install period appropriate turned balusters on all of the porch and stair railings.

RESOLVED: This Twentieth day of June, 2012.

All of the Commissioners voted in favor of the motion.

II. New/Old Business

a. List of permits

The list of permits was reviewed by the Commission. There was no discussion regarding the subject.

There was a discussion amongst the Commission and Mr. O'Brien regarding various administrative procedures pertaining to historic review applications.

III. Minutes-May 15, 2012

On a motion made by Commissioner Ambrose, and seconded by Commissioner Secord, the minutes of May 15, 2012 were adopted with changes. All of the Commissioners voted in favor of the motion. The corrected minutes would be filed in the Town and City Clerk's Office.

IV. Adjournment

Meeting adjourned.

Respectfully submitted,
Jillian Hockenberry, Planner

Roger J. O'Brien, Secretary/Director

Statement of Reasons for Denial of Item I.a. (151-153 Ward Street)

The Commission denies the application to demolish 151-153 Ward Street because the applicant has failed to satisfy the requirements of subsection (e) of Sec. 28-219 of the Municipal Code, which provides that the Commission may approve the demolition of a protected property "only if the applicant establishes, to the satisfaction of the commission, that...there is no economically feasible alternative to demolition..."

1. This 1886 property is a protected property within the Frog Hollow National Register Historic District. The building not only contributes to the architectural and historic character of the district but is an unusual and exceptional building that contributes strongly to the district. The Hartford Preservation Alliance submission states that it is "a fine example of the High Victorian Romanesque Revival style of architecture."

2. While the building has been vacant for an extended period of time and requires substantial repair work, the applicant failed to provide evidence of likely rehabilitation costs or of the absence of supportive funding that would show lack of feasibility. The applicant was explicitly invited to present such documentation but chose not to do so.

3. The applicant also failed to present evidence of a serious effort to explore alternatives to demolition. There was testimony that the applicant made contact with Habitat for Humanity and Trinity College approximately five years ago but no evidence of recent contact. The Commission received communications from four different entities -- the Hartford Preservation Alliance (HPA), the Corporation for Independent Living (CIL), the Southside Institutions Neighborhood Alliance (SINA) (of which Trinity College is one of the principal members), and the Frog Hollow Neighborhood Revitalization Zone Committee. Two of those entities -- CIL and SINA -- are actual developers, both with extensive experience in rehabilitating deteriorated historic housing within city neighborhoods. One -- HPA -- is a citywide entity providing guidance to developers in historic preservation that has been involved in numerous Hartford rehabilitations, including at least one in which a brick building was moved a substantial distance to a new site so as to prevent its demolition.

4. All of those entities expressed the belief that there were economically feasible alternatives to demolition. CIL, which toured the property, wrote positively of the condition of the building, stating that "more difficult and costly renovations have been successfully completed throughout the city of Hartford by CIL and other developers. State and local programs exist that were created to address the funding needs of such historic structures." CIL expressly stated that it would "welcome an opportunity to assist in the preservation and renovation of this historic structure." HPA described the building as "an excellent rehabilitation project" and offered its assistance. Referring to both "rehabilitating or moving this structure," SINA also offered to work with the owner on preservation of the structure.

5. The applicant claimed that deed restrictions on the land prevented the building from being used for any non-cemetery purpose. The applicant, however, never provided the Commission with a copy of the deed restrictions, at least a portion of which had been placed on the land by the City of Hartford. It also stated that it had never inquired as to whether the deed

restrictions could be removed and particularly had never asked the City of Hartford to explore the possibility of removing its deed restrictions.

6. The applicant claimed that it needed the site for cemetery purposes and that it would therefore not accept rehabilitation of the building on site. However, it also testified to its own prior plan to partition the land and sell it to Habitat for Humanity for \$1. According to the applicant, that plan did not come to fruition because of lack of interest by Habitat for Humanity and questions about the impact of deed restrictions on the use of the property.

7. The applicant has never explored the alternative of moving the building, notwithstanding the suggestion by the Commission that it explore that possibility. Relocation of the building off-site would for the applicant provide the same benefits as demolition, in that it would not require the applicant to partition and sell the land and would retain use of the land for cemetery purposes. The applicant stated to the Commission that a brick building cannot be moved, a statement which is known by the Commission to be incorrect in light of the well-publicized relocation of 47 Sigourney St. to 21 Ashley St.

8. The applicant also indicated to the Commission that it had pledges from members of its congregation for more than \$50,000 to demolish the building. When asked about using the funding instead to move the building, the applicant indicated no interest in attempting to seek permission to use those funds for that purpose. This indicates to the Commission a failure by the applicant to seriously consider all feasible alternatives to demolition.

9. Under Section 28-219(e) of the Municipal Code, the burden is on the applicant to show the absence of an economically feasible alternative to demolition. In spite of the Commission's invitation to the applicant to file a properly documented application, the applicant chose not to do so. The Commission finds that the applicant has failed to meet its burden of proof. Indeed, if anything, the evidence of feasibility is more persuasive than the evidence of infeasibility.

The applicant also claimed that the Commission's tabling of the matter at its meeting of May 16, 2012, constituted approval of the application, notwithstanding the fact that the Commission explicitly tabled the matter because the applicant had failed to file a complete application. It has been the Commission's practice to place all matters received on its agenda but not to consider applications filed until they are complete. This application was not complete because of its failure to provide necessary information so that the Commission could assess the economic feasibility of alternatives to demolition. In addition, the Commission's approval of the motion to table was itself an action that satisfied the requirement of the ordinance that a matter be "acted upon" within 45 days, particularly where the tabling is the result of the applicant's own failure to provide the Commission with sufficient information. Indeed, the Commission took the action of tabling as a courtesy to the applicant so that the applicant could file a complete application.

For these reasons, the Commission denies the application, without prejudice to the applicant's filing a new application presenting new evidence. The Commission urges the applicant, however, to work seriously with the four entities that have expressed interest in the

preservation of this historic building to try to find a mutually compatible way to preserve the building.